

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

**RONALD RICHARD CLOUD,
For YOLANDA RENEE LEAR,
Deceased Daughter,**

Plaintiff,

v.

**CIVIL ACTION NO. 3:09-CV-4
(BAILEY)**

**WALTER RICHARD PRITTS,
JOHN CHESHIRE,
DONALD SEE,**

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation of United States Magistrate Judge James E. Seibert. By Order dated February 26, 2009 [Doc. 9], this action was referred to Magistrate Judge Seibert for submission of a proposed report and a recommendation ("R & R"). Magistrate Judge Seibert filed his R & R on May 29, 2009 [Doc. 29]. In that filing, the magistrate judge recommended that this Court dismiss this action with prejudice.

Pursuant to 28 U.S.C. § 636 (b) (1) (c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo*

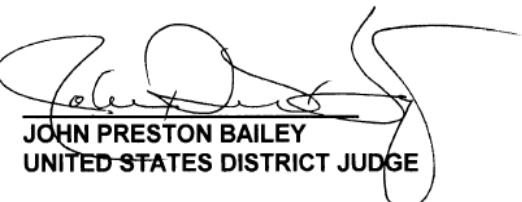
review and the right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); ***Snyder v. Ridenour***, 889 F.2d 1363, 1366 (4th Cir. 1989); ***United States v. Schronce***, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Seibert's R & R were due within ten (10) days of filing of this same, pursuant to 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). This Court's docket reflects service was accepted on June 3, 2009. No objections to the R & R have been filed. Accordingly, this Court will review the report and recommendation for clear error.

Accordingly, upon careful review of the Report and Recommendation [Doc. 29], it is the opinion of this Court that Magistrate Judge Seibert's Report and Recommendation [Doc. 29] should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated in the magistrate judge's report. Accordingly, this Court hereby **ORDERS** the plaintiffs' Complaint [Doc. 1] is **DISMISSED WITH PREJUDICE** and **STRICKEN** from the active docket of this Court. As such, the remaining motions **[Docs. 7, 16, 17, 21, 22, 26, 27, and 28]** are hereby **DENIED as MOOT**.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record and to mail a copy to the *pro se* plaintiffs.

DATED: June 19, 2009.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE